

Representative Colleen Hanabusa
Statement in Support of Amendment to H.R. 3
April 24, 2013

Mr. Chairman –

Many tribal nations strongly oppose construction of the Keystone XL pipeline because it would, among other reasons, threaten cultural and sacred sites located on Indian lands.

The route of the pipeline crosses through Indian Country in Montana, North Dakota, South Dakota, and Nebraska, near and potentially over, culturally significant areas to Tribal nations.

Tribes near the route of the pipeline have made their voices heard through tribal resolutions and official correspondence to the Administration. They have specifically requested compliance with Section 106 of the National Historic Preservation Act, which is designed to protect historical and cultural sites by requiring the federal government to consult with tribes when making land management decisions, on or off tribal land, where a tribe's historical sites may be impacted.

The National Congress of American Indians, the oldest and largest tribal organization in the country, passed two resolutions opposing the Keystone project citing insufficient tribal consultation on the pipeline's impact to sacred sites.

The Obama Administration has heeded these calls for meaningful tribal consultation and is in the process of completing that vital consultation through implementation of an interagency sacred sites action plan.

Yet Section 3 of H.R. 3 deems the Keystone XL pipeline compliant with the National Historic Preservation Act and NEPA requirements, not only ignoring ongoing tribal consultation efforts but effectively making them moot.

Mr. Chairman, the only reason to “deem” this pipeline route to be in compliance with the law is if this route is plainly NOT in compliance.

The result would be detrimental to sacred sites not previously identified by the 2011 EIS, prevent future consultation with Indian tribes from taking place, and be contrary to the Administration’s commitment to protecting sacred sites as outlined in the 2013 interagency action plan.

My amendment would ensure that cultural and sacred sites of Native American tribes are protected by mandating that the Act not become effective unless the President determines that Native American tribes, in states where the pipeline will be located, are fully consulted and that cultural and paleological sites significant to such tribes will be protected to the fullest extent possible during construction and operation of the Keystone XL pipeline.

Mr. Chairman – we have a trust responsibility to Indian tribes rooted in the Constitution and supported by treaty, statute, executive order and other federal obligations to the First Americans. Our obligation to ensure that federal action does not harm cultural sites is a sacred trust that cannot be ignored.

I urge my colleagues to adopt my amendment. I yield back.